

VOLUME 2 AIR OPERATOR AND AIR AGENCY CERTIFICATION AND APPLICATION PROCESS

CHAPTER 5 THE APPLICATION PROCESS—TITLE 14 CFR PART 91, SUBPART K

Section 3 Phase 2—Formal Application

2-576 INSTRUCTIONS TO THE APPLICANT ON THE FORMAL APPLICATION.

A. Requirements of Formal Application. It is essential during the preapplication meeting that the applicant has a clear understanding of the form, content, and documents required for the formal application. The Federal Aviation Administration (FAA) will inform the applicant to submit the formal application to the assigned Flight Standards District Office (FSDO) and, after initial review, the FSDO will provide notification of his or her acceptance or rejection by letter within 10 working-days. The FAA should encourage the applicant to submit the formal application as far in advance as possible of the intended starting date.

NOTE: The inspector should inform the applicant that while FAA inspectors will furnish informal guidance and advice during the preparation of required documents and manuals, the production of acceptable documents and manuals is solely the responsibility of the applicant.

B. Formal Application Letter. The formal application letter serves as the vehicle to transmit the package of documents required to pass through Gate II. The inspector will inform the applicant that the formal application must include a letter requesting the issuance of management specifications (MSpecs) to conduct operations under Title 14 of the Code of Federal Regulations (14 CFR) part 91 subpart K (part 91K). The letter should include a mailing address and indicate the full name, title, and address of the designated agent for service, if other than the program manager. In addition, the inspector will inform the applicant that the FSDO should receive the formal application within a minimum of 90 days before operations are to begin and preferably as far in advance as possible of the proposed startup date.

C. Formal Application Letter: Acceptance or Rejection. The FSDO should notify the applicant by letter whether it accepts or rejects the formal application. FAA acceptance of a formal application does not constitute approval or acceptance of individual attachments. The FAA will evaluate each attachment during subsequent phases of the application process. If the formal application is not acceptable, return it to the applicant with a written explanation of the reason(s) for its return.

2-577 STATEMENT OF INTENT (SOI) PROCESSING AND FSDO TEAM ACTIONS.

Once the FSDO accepts the formal application, it will form an application team and assign an inspector as the project manager. The project manager will be the applicant's point of contact (POC) within the FSDO. The application team is responsible to review the application package to confirm that it contains the required information and attachments.

2-578 FORMAL APPLICATION ATTACHMENTS. The applicant must include the formal application letter with the attachments described in the following subparagraphs:

A. Management Personnel Resumes and Documentation. Part 91K does not specify management positions or qualification, unless the applicant applies for a Continuous Airworthiness Maintenance Program (CAMP). Program managers requesting a CAMP must provide a resume outlining the qualifications and experience for applicable management personnel. Additionally, program managers should identify company POCs and those personnel authorized to sign MSpecs.

B. Program Operating Manual (POM). This manual or sections of manuals contain information about fractional ownership general policies, duties, responsibilities of personnel, operational control policy, and procedures. This manual(s) should include instructions and information that allow personnel to perform their duties and responsibilities. Part 91, § 91.1025 prescribes the content of these manuals. A draft outline of the major parts of all required manuals is a requirement before Gate II.

NOTE: This draft outline will help ensure that the submitted manual(s) accounts for all required material and that the major parts of any incomplete manual(s) are listed in the Schedule of Events (SOE) with proposed dates for submission to the FAA.

C. POM Requirements—General.

1) When applicable, the manual will contain the contents required by § 91.1025 in enough detail so that the program manager's flight, ground, and maintenance personnel may properly perform their assigned duties. During the review of the POM, the FAA must ensure that no conflict with the regulations exists. The district office will provide guidance to the program manager for developing his or her POM should the time and resources be available. The district office will not draft, prepare, or accept responsibility for developing the content of the manual.

2) The program manager must have a system that ensures currency for all manuals, publications, checklists, and airport analyses. The program manager must also have a means to ensure regulatory compliance. Program managers may amend their manuals and incorporate new or revised policies and procedures, provided they comply with the appropriate regulations. Any revisions to the MSpecs made by the program manager must receive approval before use.

3) The fractional program manager must establish procedures for distribution of its manual system. The program manager must make a copy of the manual(s) or the appropriate portions of the manual (including revisions) available to all of the program crewmembers, maintenance, and ground operations personnel. The fractional program manager must also issue a copy of the POM to representatives of the Administrator assigned to the program office (refer to § 91.1023). Each individual issued a POM or appropriate portions must keep it up to date with all revisions, as required by the applicable regulations found in part 91. In addition, the manual must have a tracking system to record the revisions made to the manual, the date the revision was inserted into the manual, and the date the revision became effective. Each person issued a POM should keep a record of revision in order to provide evidence of currency.

4) Section 91.1023 states that program managers who are also certificated to operate under 14 CFR part 121 or 135 may be authorized to use the operating manual required by those parts to meet the manual requirements of part 91K, provided:

- The policies and procedures are consistent for both operations, or
- When policies and procedures are different, the applicable policies and procedures are identified and used.

NOTE: MSPEC A059, Use Alternate Manuals, Programs, or Systems, provides information about authorization for alternate manuals, programs, and systems.

D. Requests for Deviations. Allowable part 91K deviations include:

- Section 91.1041(g).
- Section 91.1049(b)(6).
- Section 91.1049(d).
- Section 91.1053(b).
- Section 91.1055(b).
- Section 91.1063(b).
- Section 91.1063(c).

E. General Maintenance Manual (GMM). For programs that combine both parts 91K and 135 operations, the operator may combine the GMM with the General Operations Manual (GOM). This combined manual must contain all of the required contents for both individual manuals, with any differences clearly defined. Aircraft Maintenance Manuals (AMM)/programs include:

- Inspection program.
- Maintenance recordkeeping.
- Emergency maintenance required records.

F. Weight and Balance (W&B) Procedures/Program.

G. Training Program. The program manager must attach the training curriculum to the formal application letter. If authorized by the Administrator, § 91.1063 allows a program manager to comply with the applicable training and testing sections of part 121 or 135, except for the Operating Experience (OE) requirements, instead of §§ 91.1065 through 91.1107. Training curriculums must include at least the following curriculum segments appropriate to each crewmember position:

- Basic indoctrination training.
- Emergency training.
- Initial aircraft ground training.
- Initial aircraft flight training.
- Upgrade training.
- Recurrent training.

- Differences.
- Requalification.
- Hazardous materials (hazmat) recognition.

H. Manufacturer Required Training. Section 91.9(a) states in part that no person may operate a civil aircraft without complying with the operating limitations specified in the approved Airplane Flight Manual (AFM) or Rotorcraft Flight Manual (RFM). Some aircraft manufacturers have begun requiring rigorous training programs with an AFM or RFM limitation. Often the FAA must assure that all training programs meet an equivalency of the manufacturer's training program. There may be additional training requirements for a specific aircraft (e.g., EA500) or pilot. Volume 5, Chapter 13, Section 1 and Advisory Circular (AC) 61-137, Approval of Manufacturer's Required Training Programs, current edition, contains the general background information and specific training requirements. Inspectors reviewing and approving part 91K training programs must be familiar and comply with this section.

I. Aircraft Operations Manual. There is no requirement for part 91K program managers, who choose to use the manufacturer's approved AFM or RFM, to use an aircraft operations manual.

J. Minimum Equipment Lists (MEL) (if applicable).

1) Section 91.1115 provides for the use of an approved MEL to allow the fractional ownership program manager to operate its aircraft with certain inoperable equipment and instruments. The program manager's operating manual will describe how to use the approved MEL. The manual will contain instructions and procedures for guidance of flight and ground personnel, including a procedure to properly evaluate the existing conditions to ensure the release of a safe aircraft.

2) A fractional ownership program manager using aircraft that does not have a FAA-approved Master Minimum Equipment List (MMEL) should apply to his or her FSDO if they desire to use an MEL. In the application, the program manager should specify the instruments and equipment for inclusion in the aircraft's MMEL. The FAA FSDO will forward the request to the Flight Operations Evaluation Board (FOEB) for consideration.

3) Program managers must apply to their FSDO for authorization to use an MEL under part 91K. A program manager may not use a part 91 MEL for part 91K operations.

4) Program managers who operate aircraft under 14 CFR part 91K, 121, 125, or 135, and who have an approved MEL under such parts, must use the air carrier MEL for part 91K operations.

K. SOE. The SOE lists the items, activities, programs, and aircraft and/or facility acquisitions that the applicant must accomplish or make ready for FAA inspection before application. It must include a best estimate of the date the applicant will acquire each item or accomplish each event, including a planned start and completion date. The applicant must logically sequence these estimated dates. For example, training programs must receive approval before crewmember training begins. When there is a requirement for FAA approval before beginning a subsequent event or item, the applicant should provide at least 30 days for the FAA to review, inspect, and approve each item or event. Failure to accomplish an item or event in a satisfactory manner, or in accordance with the SOE, could delay the issuance of MSpecs. If at any time during the application process that the applicant finds it necessary to revise the SOE, the FAA project manager should receive notification as soon as practical.

L. Other Programs, Manuals, and Material. The following is a list of additional programs, manuals, and material that may apply to the fractional ownership program:

- Cockpit checklist.
- Passenger briefing cards.
- Environmental impact statement.
- Destination Airport Analysis Program (DAAP) (applies to large turbine-engine-powered transport category airplanes).
- Flight and rest scheduling program.
- Hazmat recognition program.
- Security program (coordinated with the principal operations inspector (POI), but issued by the Transportation Security Administration (TSA)).
- Flight Attendant (F/A) Manual (required only for aircraft certificated to carry more than 19 passengers, or if operator chooses to carry a person performing such duties).
- Flight-locating procedures.
- Maintenance reliability program (optional).
- Proving and/or validation test plan.
- Continuous Analysis and Surveillance System (CASS) for aircraft maintained under a CAMP.
- Compliance statement.

NOTE: On the compliance statement attachment, the applicant must list all part 91 regulations that are applicable to their proposed operation (e.g., compliance statement). They should identify applicable subparts and relevant sections, including a specific reference and/or a brief description, to a manual or other document. The brief description or reference must describe the method of compliance for each regulation listed.

- Owner acknowledgment/contract certification statement.
- List of aircraft.
- Internal safety reporting procedures.
- Incident/accident response procedures.

- Pilot safety background checks and procedures.
- Location of the records repository.
- Other requested authorizations.
- Drug and alcohol misuse education program.

NOTE: Once the FSDO has accepted everything in the application phase; the applicant may advance to Phase III—Document Compliance.

RESERVED. Paragraphs 2-579 through 2-595.